

REMARKS

The present amendment is submitted in response to the Office Action dated December 16, 2008, which set a three-month period for response, making this amendment due by April 16, 2009.

Claims 1-15 are pending in this application.

In the Office Action, claims 4, 5, 6, 9 and 10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 2, 4, 5, 7 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,613,402 to Gauger et al. Claims 3 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gauger in view of DE 10141113 (DE '113). Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gauger et al in view of U.S. Patent No. 1,739,616 to Schroeder. Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gauger.

In the present amendment, the specification has been amended to add standards headings and to delete reference to the claims.

The claims were amended to address the rejections under Section 112, second paragraph.

The Applicants respectfully submit that the cited references neither anticipate nor render obvious the subject matter of the pending claims.

The primary reference to Gauger discloses a rotational body 40 that is mounted radially and axially and in which a threaded sleeve 160 is screwed into a corresponding threaded opening 170 of the gear housing. This is the same

principle as described with regard to DE 3150572, which is discussed in the background section of the present application. The distinctive disadvantage of such a threading is that the axial pressing force of the threaded screw on the rotational body is coupled to the rotational position of the screw.

In contrast, with the present invention, no threading is formed on the adjusting element 50, whereby the adjusting element during assembly can be pressed axially with a predetermined force against the rotation body and after adjustment of this pressing force, the adjusting element 50 is secured by means of a short rotational motion (a portion of 360°) against axial displacement.

Gauger, in contrast, discloses that an adjustment of the axial pressing force is possible exclusively through the rotational movement of the threaded sleeve 160. In addition, this type of threaded sleeve 160 is not secured against axial displacement but must be secured with additional means, for example, by adhesion or caulking.

Claim 1, therefore, has been amended to clarify that the adjusting element is axially displaceable into the housing 12. The threaded sleeve 160 of Gauger, however, is not formed to be axially displaceable, but instead is axially adjustable only by means of a rotational motion. In addition, the threads of the threaded sleeve 160 into the threaded bore 170 does not represent axially locking, since the screw 160 can be loosened easily during operation by vibrations and thereby is axially adjusted.

Also in this amendment, new independent claim 11 has been added, which combines the features of claims 1, 3, and 7. Claim 11 therefore defines

that wherein the adjusting element (50) includes a retaining region (70) with an outer radius (72, 73, 74) that is variable around its circumference (76), and wherein the adjusting element (50) includes a guide region (66) with an outer radius (68) that is constant around the circumference (76) for radially centering the adjusting element (50) in a corresponding centering section (35) of the housing (12). The retaining region and the guide region are shown in Figs. 1 and 3, for example.

In the Office Action, the Examiner combines Gauger with DE '113. The Applicants disagree that this combination renders obvious the subject matter of any of the claims, since DE '113 does not suggest an adjusting element or an axial bearing surface for a rotation body. Claims 3 and 7, included in new independent 11, cannot be viewed as obvious, since neither of the cited references shows both a retaining region AND a guide region.

Method claim 10 also distinguishes over the cited references by reciting that the adjusting element 50 is axially displaced and rests with a contact pressure on the rotation body and the adjusting element first is axially secured. This feature is disclosed in the specification on page 4, lines 31 through 34, page 6, line 26 and page 7, line 15-20.

Because the independent claims include features that are not disclosed by the cited references, the rejection under Section 102 must be withdrawn. The Applicants furthermore respectfully submit that Gauger is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that "a claim is anticipated only if each and

every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference”, and that “the identical invention must be shown in as complete detail as is contained in the ... claim”.

Further, the claims are not rendered obvious by the cited combination. It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01.

Also in this amendment, new dependent claims 12-15 have been added. Support for new claim 12 can be found on page 7, lines 2-5. Support for new claim 13 can be found on page 6, first paragraph. Support for new claim 14 is found on page 6, lines 18-19, while support for new claim 15 can be found on page 5, lines 23-24.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', is written over the typed name.

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